

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

NOV 12 2010

GARY OLIVER,

Plaintiff,

v.

Civil Action No. 3:10w247

OMEGA PROTEIN, INC.,

Defendant and Third-Party Plaintiff,

v.

GEORGE NOBLETT, INC.  
and NORTHERN NECK GAS  
COMPANY,

Third-Party Defendants.

ORDER

By Order entered herein on August 26, 2010 (Docket No. 44), the pending THIRD-PARTY DEFENDANT NORTHERN NECK GAS COMPANY'S RULE (12) (b) (6) MOTION TO DISMISS THIRD-PARTY COMPLAINT (Docket No. 31) was referred to Magistrate Judge Dennis W. Dohnal for report and recommendation. Having reviewed the REPORT AND RECOMMENDATION (Docket No. 53) of the Magistrate Judge entered herein on October 21, 2010, and there being no timely filed objections thereto, and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that the REPORT AND RECOMMENDATION of the Magistrate Judge is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION.

It is further ORDERED that:

(1) the THIRD-PARTY DEFENDANT NORTHERN NECK GAS COMPANY'S RULE  
(12) (b) (6) MOTION TO DISMISS THIRD-PARTY COMPLAINT (Docket No. 31)  
is granted; and

(2) Omega Protein, Inc. is granted leave to file an Amended  
Third-Party Complaint by November 30, 2010.

The issues are adequately addressed by the briefs and oral  
argument would not materially aid the decisional process.

It is so ORDERED.

\_\_\_\_\_/s/ REP  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: November 11, 2010